IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 6346 of 2005

Between:

Smt. Mumtaz Begum, died per L.R.

M.H. Rahman, S/o. Abdul Rahman,
16-9-647/a Malakpet, Hyderabad.

..... PETITIONER

AND

1 Assistant Divisional Engineer, (Elec),

Central Power Distribution Co. of A.P.Ltd.,
Operation South Circle, D-XXII C. VIII, Chanchanguda,
Hyderabad.
2 Inspector, Vigilance, APTS Team I, Vidyut Souda, Hyderabad.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction and more particularly one in the nature of Writ of Mandamus declaring the Initial Assessment Notice (Pilferage) of the Respondent in letter No. ADE/D.XXII/C.VIII/D. No. 971 dated 29-10-2004 as illegal, mala fide, against the Principles of Natural Justice, null and void and consequently set aside the same in the interests of justice.

Counsel for the Petitioner: MR.BATHINI PAPA RAO GOUD

Counsel for the Respondent Nos.1 & 2: Mr. V.AJAY KUMAR

(SC FOR AP TRANSCO)

The Court at the stage of admission made the following

ORAL ORDER:

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents. Perused the material placed before me.

2. Provisional assessment made by the first respondent-the Assistant Divisional Engineer (Elec.), Central Power Distribution Company Limited, Hyderabad, on the ground of pilferage is under challenge in this writ petition.

3. It appears that power supply to the shop of the petitioner was disconnected by the impugned notice dated
29-10-2004. Further, the petitioner was informed that on deposit of Rs.6,820.40 ps only, the power supply would be restored.

4. The learned counsel for the petitioner placed reliance on a common judgment dated 11-03-2004, rendered by a Division Bench of this Court in Writ Appeal Nos.452 and 477 of 2004, wherein it was observed that provisional assessment is in the nature of show cause notice against which the consumer is entitled to have an opportunity of hearing before passing final order of assessment by the concerned

authority.

While observing so, the Division Bench of this Court held that there is no authority or power to the respondents to discontinue or disconnect the electricity supply.

5. Having regard to the observations made by the Division Bench of this Court in similar circumstances, I hereby direct the respondents to restore the power supply to the shop of the petitioner forthwith, without insisting payment of any amount till further orders.

6. With the above direction, the writ petition is disposed of at the stage of admission. No costs.

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D.S.R. VARMA, J

24th March, 2005

ISN

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Assistant Divisional Engineer, (Elec),

Central Power Distribution Co. of Ltd.,
Operation South Circle, D-XXII C. VIII, Chanchanguda, Hyderabad.

2 The Inspector, Vigilance, APTS Team I, Vidyut Souda, Hyderabad.

3. Two CD copies

4. One CC to MR.BATHINI PAPA RAO GOUD, learned counsel for the petitioner